



Entered on Docket
October 27, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,¹

USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,²

USA SECURITIES, LLC,³

Debtors.

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING EIGHTEENTH
OMNIBUS OBJECTION OF USACM
LIQUIDATING TRUST TO DOUBLE
COUNTED CLAIMS**

Hearing Date: October 19, 2009
Hearing Time: 3:00 p.m.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the “Eighteenth Omnibus Objection of USACM
2 Liquidating Trust to Double Counted Claims; and Certificate of Service” [DE 7529] (the
3 “Objection”); the Court having heard the Objection on October 19, 2009; appropriate
4 notice of the Objection having been given; no response to the Objection having been filed;
5 and good cause appearing:

6 **IT IS ORDERED** that:

7 1. The Objection [DE 7529] is sustained; and

8 2. The claims listed on **Exhibit A** are disallowed in the amounts shown there as
9 duplicative amount.

10 PREPARED AND RESPECTFULLY SUBMITTED BY:

11 **LEWIS AND ROCA LLP**

12 By /s/ John Hinderaker (018024)

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In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in this case.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

U.S. Trustee:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

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Submitted by:

LEWIS AND ROCA LLP

By: /s/ JH (#018024)
 Rob Charles
 John Hinderaker (*pro hac vice*)
Attorneys for USACM Liquidating Trust

USACM**Exhibit A
Proofs of Claim Asserting Duplicate Amounts**

Name	Address	Claim #	Total Amount of Claim as Listed in Claim Register	Claim Amount Subject To Objection as a Duplicative Amount
OOSTHUIZEN, ADRIAN JR	5860 LAUSANNE DR RENO NV 89511	10725-01865	2,711,295.30	1,355,647.65
OSHEROW TRUST DTD 9/11/89	AARON OSHEROW TRUSTEE 8025 MARYLAND AVENUE APT 9-D ST LOUIS MO 63105	10725-01959	1,088,466.02	544,233.01
OSTER, PAUL	PO BOX 2618 MAMMOTH LAKES CA 93546	10725-02082	308,164.00	154,082.00
PAUL L GARCELL & PAMELA HERTZ REV FAMILY TRUST	PAUL L GARCELL TRUSTEE 2013 GROUSE ST LAS VEGAS NV 89134	10725-02361	100,000.00	50,000.00
PEELE BYPASS TRUST DTD 2/10/87	JENNEFER PEELE TTEE 2581 RAMPART TER RENO NV 89519	10725-02253	101,493.04	50,746.52
PEELE SPOUSAL TRUST DTD 2/10/87	JENNEFER C PEELE TTEE 2581 RAMPART TER RENO NV 89519	10725-02254	507,424.02	253,712.01
PINNELL IRA, LYNDA L	9915 SADDLEBACK DR LAKESIDE CA 92040	10725-02213	128,729.46	64,364.73
PINSKER, DONALD H	8650 W VERDE WAY LAS VEGAS NV 89149-4145	10725-02423	1,633,057.16	816,528.58
RAGGI, DENNIS	PO BOX 10475 ZEPHYR COVE NV 89448	10725-02226	4,884,068.70	2,442,034.35
RAMSEY, AARON S & LARA	7713 N 41ST ST NIWOT CO 80503	10725-02152	76,518.00	38,259.00